

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1942 OF 2005

IN

SUIT NO.3705 OF 2004

...

M/s.A.Himanshu & Co. ...Plaintiff

v/s.

M/s.B.V. Jewels and ors. ...Defendants

...

Mr.Ahemad Sayed i/b Halai & Co. for the Plaintiff.

Ms.Aruna Mehta i/b S.Pathak & Co. for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD DECEMBER, 2005

P.C.:

Though the reasons given in the affidavit filed in support of the motion for not remaining present before the court on 7th June, 2005 cannot be accepted as sufficient cause, still in view of the statement made by the learned Counsel appearing for the Plaintiff, that the Plaintiff has complied with prayer clauses (b) & (c) of Chamber Summons No.489 of 2005 and willingness of the Plaintiff to pay substantial amount as costs to the Defendants, in my opinion, it will be appropriate to grant an opportunity to the Plaintiff to contest the Chamber Summons on merits. In my opinion, following order would meet the ends of justice.

O R D E R

Notice of Motion is granted in terms of prayer clause (a) subject to the condition that within a period of three weeks from today the Plaintiff shall pay to the Defendant an amount of Rs.5000/- as and by way of costs of this Notice of Motion and also serve a copy of the reply in the Chamber Summons on the Plaintiff. Notice of Motion disposed of.

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